

Topsfield Planning Board

June 2, 2015

Chairman Morrison called the meeting to order at 7:30 PM at the Town Library. Board members present were Martha Morrison, Joseph Geller and Steven Hall. Roberta Knight, Community Development Coordinator was also present. Members Jeanine Cunniff and Stephen Silveri arrived at 8:00PM.

Visitors: Attorney Nancy McCann and Kim Sherwood

With a majority present at 7:35PM, Chairman Morrison called the meeting to order.

Bill Authorization: Clerk Steven Hall made the motion that pursuant to M.G. L. Chapter 41, Section 41 that the Planning Board approves and acknowledges its respective members to sign bills; seconded by Member Joseph Geller; so voted 3-0. The members signed the letter of verification of signatures and forwarded it to the Town Accountant.

57 Perkins Row: At this time, Chairman Morrison recognized Attorney Nancy McCann, the representative for New Meadows Development LLC. Attorney McCann requested to continue the review of the preliminary plan to the next Planning Board meeting on July 7, 2015 and that the Applicant would extend the time in which the Board must act on the application to July 7, 2015. Ms. McCann informed the Board that the developers just received department comments this afternoon and would like to have an opportunity to respond to those comments and revise the plan as necessary.

Resident Kim Sherwood of 29 Perkins Row queried as to why this matter was being addressed prior to the 8PM public hearing. Chairman Morrison responded that it was not a public hearing, but an appointment which can be taken out of order on the agenda. After further discussion on the process, the Board continued its discussion with Attorney McCann.

Chairman Morrison explained that the Board was aware that the reviewing departments have expressed concerns about various waiver issues concerning the application of this preliminary plan such as utility poles, road width, reduction of stopping distance, wells in lieu of public drinking water and if wells are installed, there would be the need for an underground fire tank. A comprehensive overview of the entire plan with the Conservation Commission must be performed with peer review. Chairman Morrison further stated that she had a discussion with Conservation Commission Administrator Lana Spillman relative to this project and was informed that one of the requirements of the Notice of Intent is that all other permits have been filed prior to or at the same time. Based on this requirement, the Notice of Intent cannot be filed until the Definitive Plan is filed with the Board.

Ms. Morrison addressed the waiver request issue noting that the Planning Board may grant waivers only if it is in the public interest. Because a requirement may be costly for

the developer such as a water line, grading and fill for roadway as examples, is not a valid basis for a waiver request. Cost as the basis for a waiver versus public safety is a concern for the Planning Board.

Attorney McMann acknowledged the various issues and reiterated that the Applicant wants to address the Town's concerns and make any necessary revisions to the plan and to meet this objective has made the request for a continuation.

With all members of the Board present, Member Jeanine Cunniff made the motion to approve a continuance and accept the extension request to the July 7th meeting; seconded by Clerk Steven Hall; so voted 5-0.

English Common Walking Trail: Ms. Knight presented the Board with the final documents which were reviewed by Town Counsel John Goldrosen and Attorney Brad Latham, representing English Common LLC. Ms. Knight informed the Board that according to Town Counsel, the Trail Easement would be granted by English Commons LLC to the Town. English Commons LLC no longer has legal control of the condominium association, so that English Commons LLC would not be able to grant the easement on behalf of the association. The Trail Easement reflects the grant is only from English Commons LLC. Town Counsel has recommended that a separate easement agreement be executed with the condominium association.

Member Jeanine Cunniff made the motion to accept and execute the revised Trail Easement as reviewed and revised by Town Counsel; seconded by Member Joseph Geller; so voted 5-0.

Subdivision Waivers: Chairman Morrison again reviewed the waiver process with the Board members and referred to Section 6.2 of the Subdivision Rules And Regulations. Waivers may be granted by the Planning Board if it is in the public interest to do so, not because of the cost factor for developers.

Minutes:

Member Jeanine Cunniff made the motion to approve the joint minutes of February 3, 2015 as amended; seconded by Clerk Steven Hall; so voted 5-0.

Member Joseph Geller made the motion to approve the minutes of February 17, 2015 as amended; seconded by Member Jeanine Cunniff; so voted 5-0.

Member Joseph Geller made the motion to approve the minutes of March 17, 2015 as amended; seconded by Clerk Steven Hall; so voted 5-0.

The meeting was adjourned at 8:30 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator

Attachments:

Letter of Signature Verification
English Commons Trail Easement